

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MSC.SOFTWARE CORPORATION,

Plaintiff,

v.

**\*\*FILED UNDER SEAL\*\***

CASE NUMBER: 07-12807

HONORABLE VICTORIA A. ROBERTS

ALTAIR ENGINEERING, INC., MARC  
KLINGER, ANDREA PERTOSA, STEPHAN  
KOERNER, TOM RIEDEMAN, RAJIV RAMPALLI  
MARK KRUEGER, and MICHAEL HOFFMANN,

Defendants.

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**ORDER GRANTING IN PART INDIVIDUAL DEFENDANTS' MOTION IN  
LIMINE TO EXCLUDE EVIDENCE REGARDING THE RELATION BETWEEN  
ALTAIR AND JOE GIBBS RACING AND THE WORK IT PERFORMED (DOC. # 713)**

MSC seeks to introduce the following evidence: (1) a memorandum Krueger drafted before this litigation began concluding that Altair source code – which Joe Gibbs Racing had designed for it – misappropriated MSC source code; (2) documents explaining the relationship between Joe Gibbs Racing and Altair; and (3) Rampalli's testimony that he suggested Krueger destroy this memorandum. The Joe Gibbs Racing source code accounted for five technical trade secrets in MSC's misappropriation claim; all five were dismissed.

Defendants say the Court should exclude this evidence as irrelevant to any remaining claim; alternatively, they say it should be excluded because any probative value is substantially outweighed by its prejudicial effect.

MSC says Rampalli's suggestion to Krueger to delete the memorandum is relevant to Rampalli's credibility. It says the memorandum and documents regarding

Joe Gibbs Racing should come in as foundation evidence explaining where the memorandum came from and what Rampalli was asking Krueger to do.

The memorandum and foundation evidence regarding Joe Gibbs Racing is excluded. It is not relevant to any of MSC's remaining claims and will not be admissible as substantive evidence.

The Court RESERVES RULING on whether MSC may attempt to impeach Rampalli's credibility with his suggestion to Krueger to delete the memorandum.

Accordingly, Defendants' Motion (Doc. # 713) is **GRANTED IN PART** and the Court **RESERVES RULING IN PART**.

**IT IS ORDERED.**

S/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: January 29, 2014

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on January 29, 2014.

s/Linda Vertriest  
Deputy Clerk